

Know Your Rights...

- ***You have the right*** to a workplace free of discrimination based on sex, race, skin color, national origin, religion, age (40 years and over), disability, genetic information, and retaliation.
- ***You have the right*** to a workplace free of harassment/bullying, both verbal and physical.
- ***You have the right*** to report job discrimination without punishment.

Remember to...

- ***Report*** discrimination, harassment and bullying, or other illegal activities.
- ***Respect*** yourself and others in the workplace.
- ***Request*** reasonable accommodations for your religion, disability or special needs.
- ***Record*** how you are treated and how you treated others.



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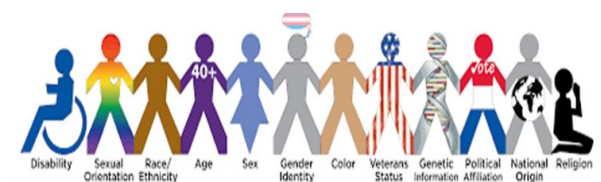
GDOL / FEPO Website:
<http://dol.guam.gov> or
<http://dol.guam.gov/compliance/fepa/>

EEOC Website: www.eeoc.gov



Fair Employment Practice Office

*Promoting outreach, education
& assistance to employers,
organizations & employees or
individuals in preventing
discrimination, harassment and
sexual harassment in the
workplace while pursuing fair and
vigorous enforcement when
discrimination is found.*



About

Objective

Assist private sector employers and employees on allegations or employment discrimination through discussions or infractions. Assist employers to know their legal responsibilities at the workplace to reduce or avoid any form of discrimination.

Authority

Executive Order Number 83-010 established the Fair Employment Practice Division within the Guam Department of Labor on April 1, 1983. Such authority vested in the Division is reiterated in Title 22, Guam Code Annotated, Division 1, Chapters 3 and 5. Fair Employment Practice administers and enforces the provisions of Public Law 9-254, relative to unlawful employment practices, in addition to Title LX, Chapter II and Title XLII, Chapter IV of the Fair Labor Standards

Policy

The public policy of the territorial government of Guam is to protect and safeguard the civil rights of all individuals to seek, have access to, obtain and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, and/or age. Employment practices should treat all individuals equally, evaluating each individual only on the basis of bona fide occupational qualification, unless pursuant to permissible defense as enumerated in the law.

Employer Appropriate Preventative Actions:

- Written Anti-Harassment Policy
- Protects against retaliation
- Defines workplace harassment
- Establishes a complaints procedure
- Creates multiple paths in the complaints process
- Establishes disciplinary action
- Ensures confidentiality to extent possible.
- Take all reports of harassment seriously
- Provide workplace harassment training to all employees not just managers and supervisors
- Monitor Enforcement of Policy

Laws Enforced by EEOC and FEPO

1. TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VII) AS AMENDED AND 1991
2. EQUAL PAY ACT OF 1963 (EPA)
3. AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)
4. AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) AS AMENDED
5. GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008 (GINA)

Protected Categories (Basis)

1. Race
2. Color
3. National Origin
4. Religion
5. Sex
6. Disability
7. Age
8. Genetic Information
9. *Retaliation

What is Discrimination?

The practice of unfairly treating a person or group of people differently from other people or groups of people.

Discrimination is treating, or proposing to treat, someone unfavorably because of a personal characteristic protected by law.

“Example: A supervisor or person in authority making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment, impacting an employee’s protected class status.”

FAQ’s

What is Workplace Harassment and Bullying?

Hostile Work Environment Harassment.
A hostile environment can result from the unwelcomed conduct of supervisors, co-workers, customers, contractors, or anyone else with whom the victim interacts with on the job, and the unwelcomed conduct renders the **workplace** atmosphere intimidating, hostile or offensive.

A worker is **bullied** at work if: a person or group of people repeatedly acts unreasonably towards them or a group of workers; the behavior creates a risk to health, safety and negatively effects the workplace. Unreasonable behavior includes victimizing, humiliating, intimidating or threatening. Whether a behavior is unreasonable can depend on whether a reasonable person might see the behavior as unreasonable in the circumstances. Examples of bullying include: behaving aggressively; teasing or practical jokes; pressuring someone to behave inappropriately; excluding someone from work-related events or unreasonable work demands.

Will charges remain confidential?

Yes. All information obtained from individuals who contact FEPO/EEOC is confidential and will not be revealed to the employer until the individual files a charge of discrimination. When an individual contacts the FEPO/EEOC, s/he will be asked to provide information. This information will be used for record-keeping purposes and to determine whether the situation is covered by FEPO/EEOC. FEPO/ EEOC employees are subject to strict confidentiality requirements by law.

What is Pregnancy Discrimination Act (PDA) ?

Under the PDA, an employer cannot fire, refuse to hire, demote, or take any other adverse action against a woman if pregnancy, childbirth, or related medical conditions are motivating factors in adverse employment actions. The PDA prohibits discrimination with respect to all aspects of employment, including pay, job assignments, promotions, layoffs, training, and fringe benefits (such as leave and health insurance).